

ESB 6261 - H AMD TO LGH COMM AMD (H5381.1/10) **1486**

By Representative Williams

ADOPTED 3/04/2010

1 On page 1, line 15 of the striking amendment, before "rental"
2 insert "residential"

3
4 On page 1, line 18 of the striking amendment, before "tenant's"
5 insert "residential"

6
7 On page 1, line 23 of the striking amendment, after "duplicates"
8 of" insert "residential"

9
10 On page 2, line 2 of the striking amendment, after "for the"
11 insert "residential"

12
13 On page 2, beginning on line 15 of the striking amendment, strike
14 all of subsection (5) and insert the following:

15
16 "(5)(a) If an occupied multiple residential rental unit receives
17 utility service through a single utility account, if the utility
18 account's billing address is not the same as the service address of
19 a residential rental property, or if the city or town has been
20 notified that a tenant resides at the service address, the city or
21 town shall make a good faith and reasonable effort to provide
22 written notice to the service address of pending disconnection of
23 electric power and light or water service for nonpayment at least
24 seven calendar days prior to disconnection. The purpose of this
25 notice is to provide any affected tenant an opportunity to resolve
26 the delinquency with his or her landlord or to arrange for continued
27 service. If requested, a city or town shall provide electric power

1 and light or water services to an affected tenant on the same terms
2 and conditions as other residential utility customers, without
3 requiring that he or she pay delinquent amounts for services billed
4 directly to the property owner or a previous tenant except as
5 otherwise allowed by law and only where the city or town offers the
6 opportunity for the affected tenant to set up a reasonable payment
7 plan for the delinquent amounts legally due. If a landlord fails to
8 pay for electric power and light or water services, any tenant who
9 requests that the services be placed in his or her name may deduct
10 from the rent due all reasonable charges paid by the tenant to the
11 city or town for such services. A landlord may not take or threaten
12 to take reprisals or retaliatory action as defined in RCW 59.18.240
13 against a tenant who deducts from his or her rent payments made to a
14 city or town as provided in this subsection.

15 (b) Nothing in this subsection (5) affects the validity of any
16 lien authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city
17 or town that provides electric power and light or water services to
18 a residential tenant in these circumstances shall retain the right
19 to collect from the property owner, previous tenant, or both, any
20 delinquent amounts due for service previously provided to the
21 service address if the city or town has complied with the
22 notification requirements of subsection (3) of this section when
23 applicable."

24

25

EFFECT: 1) Specifies that the act applies to "residential"
tenants or rental properties.

2) Requires that a municipality must make a reasonable effort to
provide written notice of pending disconnection of electric
power and light or water service to the service address at least
seven calendar days prior to disconnection if: a) multiple
residential rental units receive the service through a single
account; b) the billing address of the utility account is not
the same as the service address of the rental property; or c)
the municipality has been notified that a tenant resides at the
service address.

34

3) With certain exceptions, specifies that, if requested, a city or town must provide electric power and light or water services to an affected tenant on the same terms and conditions as other utility customers, without requiring that the tenant pay delinquent amounts for services billed directly to the property owner or previous tenant. In these cases, the tenant may deduct from the rent due all reasonable charges paid by the tenant to the city or town for such services, and a landlord may not take reprisals or retaliatory action against a tenant who deducts from their rent payments for these purposes.

4) Specifies that the provisions of the act do not affect the validity of any lien.

5) Specifies that a municipality retains the right to collect any delinquent amounts due for services previously provided from the property owner, previous tenant, or both.

--- END ---